

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

EDWIN FERNANDEZ,

Plaintiff,

-against-

DISMISSAL ORDER
12-CV-04092 (RRM)(MDG)

VICKEY TURETSKY, Commissioner US Dept.
of Health and Human Services et al.,

Defendants.

-----X

ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff, Edwin Fernandez, filed this *pro se* action on August 13, 2012 alleging the deprivation of his civil rights in violation of 42 U.S.C. § 1983 by defendant employees of Health and Human Services. (Compl. (Doc. No. 1); Amended Compl. (Doc. No. 4).) By Order dated September 20, 2012, plaintiff was denied permission to proceed in forma pauperis (IFP) pursuant to 28 U.S.C. § 1915, and directed to either (1) submit an amended IFP application; or (2) pay the statutory filing fee of \$350.00 within fourteen (14) days of the Court's Order. (Doc. No. 5.) Plaintiff was further advised that failure to do so would result in the dismissal of his complaint. More than 14 days have elapsed, and plaintiff has failed to respond to the Court's Order.

Accordingly, it is **ORDERED**, that the action is hereby dismissed without prejudice. The Court certifies pursuant to 28 U.S.C. § 1915 (a)(3) that any appeal from this order and the accompanying judgment would not be taken in good faith. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is directed to mail to plaintiff a copy of this Order and the accompanying Civil Judgment which will be docketed separately, and close the file.

SO ORDERED.

Dated: Brooklyn, New York
October 18, 2012

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge